

REMARKS

The Examiner has required an election in the present application between the following “species.”

The Examiner has identified the species as those drawn to the “specific combination of the specific monomers that are included in the process.” The applicant hereby elects species identified by the Examiner **with traverse**.

The applicant disagrees with the Examiner’s election/restriction requirement in that the subject matter of generic claim 1 is in fact considered to relate to a single general inventive concept. In particular, the single general inventive concept is considered to reside in using the ethylenically unsaturated monomers in the specified amounts so as to afford the water insoluble heteropolymeric particles with a particular composition.

Nevertheless, the Examiner appears to be suggesting that an election of more specific forms of monomers recited in claim 1 be presented for examination. Therefore, responsive to the restriction/ election required by the Examiner, the applicant elects that the ionizable ethylenically unsaturated monomers are of a type that comprise an ionizable acid group (i.e., the subject matter of claim 2). More specifically, and if necessary, the applicant elects acrylic acid (i.e., subject matter derived from claim 3). With regard to the non-ionizable hydrophilic ethylenically unsaturated monomer, the applicant elects ethyl acrylate (i.e., subject matter derived from claim 6).

Since claims 7 to 50 are not based upon the nature of the ionizable or non-ionizable monomers employed, all of these claims are considered to encompass the elected invention. Thus, claims 7-50 are readable on the elected species.

Upon the allowance of a generic claim, the applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the

limitations of an allowed generic claim as provided by 37 CFR 1.141. Claim 1 is considered by the Examiner to be generic.

In view of the election made herein, favorable action on all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond C. Stewart, Registration No. 21,066 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 6, 2009

Respectfully submitted,

By Raymond C. Stewart  
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